

AMENDED IN ASSEMBLY JUNE 15, 1998

AMENDED IN SENATE APRIL 27, 1998

SENATE BILL

No. 1924

Introduced by Senator McPherson

February 19, 1998

An act to add Section 25216.3 to the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1924, as amended, McPherson. Hazardous waste: dry cell batteries.

Existing law requires operators and owners of hazardous waste facilities to obtain a hazardous waste facilities permit or grant of authorization from the Department of Toxic Substances Control. Existing law defines "non-RCRA hazardous waste" as meaning hazardous waste that is regulated by the state, other than hazardous waste subject to the federal Resource Conservation and Recovery Act of 1976. Existing law exempts any collection location or intermediate collection location that receives, or any person that transports, spent batteries from the requirements of the hazardous waste laws concerning the receipt, storage, and transportation of hazardous waste if specified requirements are met. ~~Existing law defines "batteries" for purposes of this exemption, as including, among other things, carbon-zinc batteries generated as non-RCRA hazardous waste.~~

This bill would exclude from regulation as a ~~non-RCRA~~ hazardous waste and from the requirements concerning

spent batteries, a spent dry cell battery containing zinc electrodes, as defined, if the spent dry cell battery is disposed of in a specified manner ~~or is accumulated for recycling,~~ subject to specified requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25216.3 is added to the Health
2 and Safety Code, to read:

3 25216.3. (a) For purposes of this section, “spent dry
4 cell battery containing zinc electrodes” means a battery,
5 including an alkaline, zinc-air, zinc-carbon, or silver oxide
6 battery, that meets all of the following conditions:

7 (1) It is an enclosed device or sealed container
8 consisting of one or more voltaic or galvanic cells,
9 electrically connected to produce electric energy, of any
10 shape, including, but not limited to, button, coin,
11 cylindrical, or rectangular, and designed for commercial,
12 industrial, medical, institutional, or household use.

13 (2) It contains an electrode comprised of zinc or zinc
14 oxide or a combination thereof, and a liquid starved or
15 gelled electrolyte.

16 (3) It does not contain any constituent, other than zinc
17 or zinc oxide, that would cause it to be classified as a
18 hazardous waste pursuant to this chapter.

19 (4) It is discarded by the user.

20 ~~(b) A spent dry cell battery containing zinc electrodes~~
21 ~~is not subject to regulation under this chapter as a~~
22 ~~non-RCRA hazardous waste, and is not otherwise subject~~
23 ~~to the requirements of this article, if the spent dry cell~~
24 ~~battery containing zinc electrodes is disposed of in the~~
25 ~~municipal solid waste stream or is accumulated for~~
26 ~~recycling, subject to the requirements of subdivision (c).~~

27 ~~(c) Subdivision (b) does not authorize a person to~~
28 ~~accumulate spent dry cell batteries containing zinc~~
29 ~~electrodes speculatively within the meaning of~~
30 ~~“accumulated speculatively,” as defined by Section~~
31 ~~66260.10 of Title 22 of the California Code of Regulations;~~

1 ~~or as that regulation may be further amended or revised.~~
2 ~~However, a person accumulating spent dry cell batteries~~
3 ~~containing zinc electrodes is not accumulating these~~
4 ~~materials speculatively, for purposes of the regulations~~
5 ~~adopted pursuant to this chapter, if the person~~
6 ~~demonstrates that the material is potentially recyclable~~
7 ~~and has a feasible means of being recycled, and at least 75~~
8 ~~percent by weight or volume of the accumulated spent~~
9 ~~dry cell batteries containing zinc electrodes are recycled~~
10 ~~or transferred to a different site for recycling during the~~
11 ~~calendar year.~~

12 *(b) Notwithstanding any other provision of law, a*
13 *spent dry cell battery containing zinc electrodes is not a*
14 *hazardous waste, and is not subject to the requirements*
15 *of this chapter, if the spent dry cell battery containing*
16 *zinc electrodes is disposed of in a permitted municipal*
17 *solid waste landfill, as defined in Section 20164 of Title 27*
18 *of the California Code of Regulations, or in a permitted*
19 *municipal solid waste transformation facility as defined in*
20 *Section 40201 of the Public Resources Code.*

